

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROGER McCOY,

Petitioner,

VS.

**WARDEN CUMMINGS;
ATTORNEY GENERAL OF
THE STATE OF ALABAMA,**

Respondents.

Case No. CV 07-S-87-S

ORDER

On October 9, 2007, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed with prejudice. No objections have been filed by either party.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be, and it hereby is, ADOPTED, and the recommendation is ACCEPTED. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is DISMISSED WITH PREJUDICE as barred by 28 U.S.C. § 2244(d). The clerk is directed to close this file.

DONE this 30th of October, 2007.


United States District Judge